

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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Court Minutes

August 11, 2008

C055751 THE PEOPLE v. WARNOCK (Not For Publication)

The judgment is affirmed.
NICHOLSON, Acting P.J.

We Concur: Robie, J.
 Butz, J.

C057409 THE PEOPLE v. RODRIGUEZ, JR. (Not For Publication)

As discussed, the judgment is modified to add a \$20 court security fee.
As so modified, the judgment is affirmed. The trial court is directed to correct the abstract of judgment to omit the Vehicle Code section 23550 fine and to identify the victim as Timothy Smith. A certified copy of the corrected abstract shall be forwarded to the Department of Corrections and Rehabilitation.

NICHOLSON, J.
We Concur: Davis, Acting P.J.
 Robie, J.

C057599 THE PEOPLE v. SEARS (Not For Publication)

The judgment is affirmed.
NICHOLSON, J.

We Concur: Davis, Acting P.J.
 Robie, J.

C057660 THE PEOPLE v. KING (Not For Publication)

The sentence issued on October 29, 2007, is vacated and the case is remanded for resentencing in accordance with this opinion.

NICHOLSON, Acting P.J.
We Concur: Raye, J.
 Robie, J.

C057468 THE PEOPLE v. BLEA

BY THE COURT:

Respondent's petition for rehearing is denied.
BLEASE, Acting P.J.

August 12, 2008

C053054 THE PEOPLE v. SABICH-ROBISON (Not For Publication)

The judgment is affirmed.
NICHOLSON, Acting P.J.

We Concur: Raye, J.
 Cantil-Sakauye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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Court Minutes

August 12, 2008 continued

- C053763 THE PEOPLE v. MCMILLON (Not For Publication)**
The judgment is affirmed.
NICHOLSON, J.
We Concur: Scotland, P.J.
Cantil-Sakauye, J.
- C055961 THE PEOPLE v. GOLDSBERRY (Not For Publication)**
The judgment is affirmed.
ROBIE, J.
We Concur: Davis, Acting P.J.
Nicholson, J.
- C056492 THE PEOPLE v. FAY (Not For Publication)**
The judgment is affirmed.
NICHOLSON, Acting P.J.
We Concur: Robie, J.
Butz, J.
- C054205 MARTIN v. REGENTS OF THE (Not For Publication)**
UNIVERSITY OF CALIFORNIA et al.
The judgment is affirmed. Respondents shall recover costs on appeal.
BLEASE, J.
We Concur: Scotland, P.J.
Robie, J.
- C054808 CLAUDINO v. PATRICIA ANN PEREIRA, (Certified For Publication)**
Individually and as Trustee, etc.
The judgment is affirmed. Claudino shall recover his costs of this appeal.
...
BUTZ, J.
We Concur: Blease, Acting P.J.
Davis, J.
- C056475 THE CADLE COMPANY v. TAYLOR (Not For Publication)**
The order is affirmed. Defendant is awarded her costs on appeal. ...
NICHOLSON, J.
We Concur: Scotland, P.J.
Raye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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Court Minutes

August 12, 2008 continued

C056500 In re R.T. et al.; SACRAMENTO (Not For Publication)
COUNTY DEPARTMENT OF HEALTH
AND HUMAN SERVICES v. T.T.

The order continuing the minors' out-of-home placement is affirmed.
NICHOLSON, Acting P.J.

We Concur: Raye, J.
 Robie, J.

August 13, 2008

C058775 GLASGOW v. THE SUPERIOR (Not For Publication)
COURT OF SAN JOAQUIN COUNTY;
THE PEOPLE

Having complied with the procedural requirements for issuance of a peremptory writ in the first instance, we are authorized to issue the peremptory writ forthwith. ...

Let a peremptory writ of prohibition issue directing the respondent superior court to vacate its order denying petitioner Raymond Douglas Glasgow's Penal Code section 995 motion. Upon motion by the prosecutor under Penal Code section 995a, no later than 10 days following the date of finality of this opinion, the court shall either: (1) remand the matter to the magistrate to exercise his discretion under Penal Code section 17; or (2) if the parties and court agree, the court may itself sit as the magistrate and exercise his discretion under Penal Code section 17. If the prosecutor does not file a timely motion under Penal Code section 995a, the trial court shall grant petitioner's Penal Code section 995 motion. Upon finality of this decision, the stay previously issued is dissolved.

NICHOLSON, Acting P.J.

We Concur: Raye, J.
 Robie, J.

August 14, 2008

C053527 THE PEOPLE v. DIMAS (Not For Publication)

The judgment is affirmed.

BLEASE, J.

We Concur: Scotland, P.J.
 Robie, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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Court Minutes

August 14, 2008 continued

C055100 THE PEOPLE v. NELMS (Certified For Partial Publication)

The trial court's post-conviction order dismissing count two is vacated for lack of subject matter jurisdiction.

The conviction on count two for smuggling a controlled substance into a prison or jail ... is reversed.

The conviction on count one for possession of a controlled substance ... is affirmed. The matter is remanded to the trial court with directions to determine whether to exercise its discretion to amend the information to conform to proof and, thereafter, to enter a new conviction on the lesser included offense of possession of a controlled substance in a prison or jail ... If the court chooses to amend the information and enter the new conviction, the sentence imposed on count one must be stayed, with the stay to become permanent upon completion of the term imposed on the revised count two. If the court chooses not to amend the information and enter a new conviction, defendant must be resentenced on count one alone. In either event, presentence credits must be recalculated. The trial court shall prepare a new abstract of judgment reflecting the changes made and forward a copy to the Department of Corrections and Rehabilitation.

HULL, J.

We Concur: Blease, Acting P.J.
 Davis, J.

C056207 THE PEOPLE v. MOSLEY (Not For Publication)

The trial court is directed to amend the abstract of judgment, striking the portion prohibiting visitation between defendant and his daughter K. (date of birth Sept. 11, 1987). As amended, the judgment is affirmed. The trial court is directed to send a certified copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation.

NICHOLSON, J.

We Concur: Sims, Acting P.J.
 Robie, J.

C055101 MONROE et al. v. SINGH (Not For Publication)

The judgment is affirmed. The parties will assume their own costs of appeal.

DAVIS, J.

We Concur: Blease, Acting P.J.
 Butz, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
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Court Minutes

August 14, 2008 continued

**C057393 In re MICHAEL T.; PLACER COUNTY (Not For Publication)
DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. DAVID T.**

The orders terminating parental rights are reversed, and the matter is remanded to the juvenile court for the limited purpose of satisfying the inquiry and notice requirements of ICWA. The court is directed to order DHHS to make a full inquiry of appellant's Indian heritage and to provide required notices to the Hoopa tribes. If there is no response, or if the tribes determine that the minor is not an Indian child, the juvenile court shall reinstate the orders. However, if the tribes determine that the minor is an Indian child, the juvenile court shall conduct a new selection and implementation hearing in conformance with all the provisions of ICWA.

MORRISON, J.

We Concur: Scotland, P.J.
 Davis, J.

**C056855 THE PEOPLE v. CUELLAR
BY THE COURT:**

Appellant's petition for rehearing is denied.
SCOTLAND, P.J.

**C057494 THE PEOPLE v. HUBER
BY THE COURT:**

Appellant's petition for rehearing is granted. The decision filed on July 28, 2008, is vacated.

DAVIS, Acting P.J.

August 15, 2008

C055918 THE PEOPLE v. CAMPBELL (Not For Publication)

The trial court is directed to strike one of the one-year enhancements, to amend the abstract of judgment to reflect this change, and to send a certified copy of the amended abstract to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.

RAYE, Acting P.J.

We Concur: Hull, J.
 Butz, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
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Court Minutes

August 15, 2008 continued

- C057920 THE PEOPLE v. CRISLER (Certified For Publication)**
The judgment is affirmed.
RAYE, J.
We Concur: Sims, Acting P.J.
Morrison, J.
- C058054 THE PEOPLE v. THOMAS (Not For Publication)**
The judgment is affirmed.
RAYE, J.
We Concur: Sims, Acting P.J.
Morrison, J.
- C053373 RECHTIN v. BOARD OF BEHAVIORAL SCIENCES (Not For Publication)**
The judgment is affirmed. The Board is awarded its costs on appeal. ...
HULL, J.
We Concur: Sims, Acting P.J.
Davis, J.
- C059159 LAURA T. v. THE SUPERIOR COURT OF SAN JOAQUIN COUNTY; SAN JOAQUIN COUNTY HUMAN SERVICES AGENCY et al. (Not For Publication)**
The petition for extraordinary writ is denied. The request for stay is denied as moot.
RAYE, Acting P.J.
We Concur: Morrison, J.
Hull, J.
- C047365 THE PEOPLE v. ZHUK (Not For Publication)**
THE COURT:
It is ordered that the opinion filed herein on July 18, 2008, be modified...
There is no change in the judgment.
Defendant's petition for rehearing is denied.
BY THE COURT:
BLEASE, Acting P.J.
Raye, J.

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Court Minutes

August 15, 2008 continued

**C057555 In re CARISSA D. et al.; SACRAMENTO COUNTY DEPARTMENT OF
HEALTH AND HUMAN SERVICES v. DEE ANN B. et al.**

BY THE COURT:

The petition for rehearing of appellant Dee Ann B. is denied.
BLEASE, Acting P.J.

C059394 ANSAR v. MEDICAL BOARD OF CALIFORNIA

BY THE COURT:

Respondent's motion to dismiss the appeal is granted. The appeal filed
on July 08, 2008, is dismissed. ...
DAVIS, Acting P.J.